

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TODD BONDS,
Plaintiff,

Civil Action No. 1:15-cv-641
Litkovitz, M.J.

vs.

UNIVERSITY OF CINCINNATI
MEDICAL CENTER, et al.,
Defendants.

ORDER

This matter is before the Court following a telephone status conference held on November 17, 2016.

Plaintiff made an oral request at the conference to withdraw his motion for summary judgment. The motion for summary judgment (Doc. 51) is therefore **DENIED** without prejudice to refiling at a later date.

Plaintiff filed two motions to compel discovery on August 23, 2016 and September 2, 2016, while he was incarcerated. (Docs. 55, 61). On September 7, 2016, the Court vacated the Scheduling Order and stayed discovery based on the apparent difficulties the parties faced in communicating with each other and completing discovery during plaintiff's incarceration. (Doc. 62). In light of the parties' difficulties communicating and resolving discovery issues while plaintiff was incarcerated, plaintiff's motions to compel (Docs. 55, 61) are **DENIED**. The parties are advised that pursuant to the undersigned's Standing Order on Civil Procedures, § I.D.2, the following procedure is to be followed in the future with respect to any discovery issues:

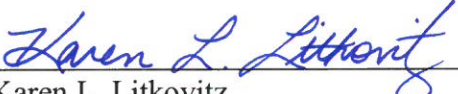
With the exception of cases involving an incarcerated pro se litigant, **this Court does not permit discovery motions**, i.e. motions to compel or motions for

protective order regarding discovery disputes, **unless and until** counsel/pro se parties use the following procedure: Counsel/pro se parties must first attempt to resolve the discovery dispute by extrajudicial means. *See* Fed. R. Civ. P. 37(a)(1); S.D. Ohio Civ. R. 37.1. This Court defines “extrajudicial means” as requiring counsel/pro se parties to try to resolve the matter **both in writing and telephonically**. If counsel/pro se parties are unable to resolve the dispute between themselves, then they must contact the Courtroom Deputy, Arthur Hill, by telephone (513-564-7690), to schedule an informal discovery conference with the Court.

Plaintiff’s motion for leave to submit an amended complaint (Doc. 65), which defendants do not oppose, is **GRANTED** subject to *sua sponte* review of the amended complaint by the Court pursuant to 28 U.S.C. § 1915(e)(2)(B).

IT IS SO ORDERED.

Date: 11/18/16


Karen L. Litkovitz
United States Magistrate Judge